

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In Re:

JOSEPH G CONTRERA,xxx-xx-1720
JULIANNE MARIE CONTRERA xxx-xx-1621

CHAPTER 13
CASE NO. 13-56885-PJS
JUDGE PHILLIP J SHEFFERLY

Debtor(s)

OBJECTION TO COURT'S CLAIM #4 – NATIONSTAR MORTGAGE, LLC

Debtors, by their attorney Martin P. Krall, Jr., object to Claim #4, being the claim of Nationstar Mortgage, LLC (Nationstar). In support of this Objection Debtors state:

1. Nationstar submitted Claim #4, alleging that certain exhibits attached to the claim document the amount due the creditor.
2. The documents attached to Claim #4 are incorrect.
3. Attached as Exhibit 1, is a copy of the Home Affordable Modification Agreement (mortgage modification) entered into between Debtors and Nationstar.
4. Based on the mortgage modification, the monthly payment is \$938.16 and not \$978.57 as stated in Claim #4. This monthly payment includes the escrow.
5. Based on the mortgage modification, the accrued interest on the principal balance is \$3,472.50 and not \$8,464.23 as claimed. This results in the Total Principal and Interest Due of \$192,881.84 and not \$197,873.57 as stated in Claim #4.
6. Based on the mortgage modification, the "Total prepetition fees, expenses, and charges" are \$1,485.75 and not \$5,758.09 as stated in Claim #4 because it appears that the creditor inflated the amount by including escrow arrearages that are also included in the past due monthly payments listed in Section 3 of the attachment to the claim.
7. Based on the mortgage modification, the "Total installment payments due as of the petition date" is \$10,319.76 and not \$10,764.27 as stated in the claim.

IT IS REQUESTED, that the Court grant Debtors' Objection to Claim #4 and enter an order allowing Nationstar's claim as corrected:

Part 1 Total Principal and Interest Due:	\$192,881.84
Part 2 Total Prepetition Fees, etc.	\$1,485.75
Part 3. Total Installment Payments Due as of Petition Date	\$10,319.76
Monthly Payment including principal, interest, taxes and insurance	\$938.16

Dated: November 19, 2013

/s/Martin P. Krall Jr.
MARTIN P. KRALL JR. P29803
Attorney for Debtor
702 Notre Dame, Suite 103
Grosse Pointe, MI 48230
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NOTICE OF OBJECTION TO TO CLAIM #4 – NATIONSTAR MORTGAGE, LLC

Debtor filed an objection to Claim #4, being the claim of Nationstar Mortgage, LLC. in this bankruptcy case.

Your claim may be reduced, modified, or denied. You should read these papers carefully and discuss them with your attorney, if you have one. If you do not want the court to deny or change your claim, then on or before January 7, 2014, you or your lawyer must:

1. File with the court a written response to the objection, explaining your position, at:

INTAKE DEPT.
United States Bankruptcy Court
211 West Fort Street, Suite 2100
Detroit, Michigan 48226

If you mail your response to the court for filing, you must mail it early enough so that the court will receive it on or before the date stated above. All attorneys are required to file pleadings electronically.

You must also mail a copy to:

DAVID WM. RUSKIN
Chapter 13 Standing Trustee
1100 Travelers Tower
26555 Evergreen Road
Southfield, MI 48076-4251

Martin P. Krall Jr., Esq.
Attorney at Law
702 Notre Dame, Suite 103
Grosse Pointe, MI 48230

2. Attend the hearing on the objection, scheduled to be held on January 14, 2014 at 9:00 a.m. in Courtroom of the Honorable Phillip J Shefferly, Chief Judge of the United States Bankruptcy Court, 211 West Fort Street, Suite 1975, Detroit, Michigan 48226 unless your attendance is excused by mutual agreement between yourself and the objector's attorney. (Unless the matter is disposed of summarily as a matter of law, the hearing shall be a pre-trial conference only; neither testimony nor other evidence will be received. A pre-trial scheduling order may be issued as a result of the pre-trial conference.)

If you or your attorney do not take these steps, the Court may deem that you do not oppose the objection to your claim, in which event the hearing will be canceled, and the objection sustained.

Dated: November 19, 2013

/s/Martin P. Krall Jr.
MARTIN P. KRALL JR. P29803
Attorney for Debtor
702 Notre Dame, Suite 103
Grosse Pointe, MI 48230
Phone: 586-779-8900; Fax: 586-779-8912
mpkrall@kralllaw.com

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PROPOSED ORDER GRANTING OBJECTION TO CLAIM #4

Being fully advised in the premises, this Court finds that Claimant Proof of Claim is inaccurate because it is based on the original note and mortgage and not on the Home Affordable Modification Agreement entered into between the Debtor and the Claimant on or about January 26, 2010. Accordingly, the claim #4 submitted by Nationstar Mortgage, LLC shall be allowed as stated in this Order.

IT IS HEREBY ORDERED that Nationstar Mortgage, LLC's claim #4 shall be allowed with the following revisions:

Part 1 Total Principal and Interest Due:	\$192,881.84
Part 2 Total Prepetition Fees, etc.	\$1,485.75
Part 3. Total Installment Payments Due as of Petition Date	\$10,319.76
Monthly Payment including principal, interest, taxes and insurance	\$938.16

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_____ /

CERTIFICATE OF SERVICE

I certify that on November 19, 2013 copies of the OBJECTION TO COURT'S CLAIM #4 – NATIONSTAR MORTGAGE, LLC, AS and the NOTICE OF OBJECTION TO CLAIM #4 – NATIONSTAR MORTGAGE, LLC, were filed with the Clerk of the Court using the ECF system, which will send notification of such filing to the following:

DAVID WM. RUSKIN
Chapter 13 Standing Trustee
1100 Travelers Tower
26555 Evergreen Road
Southfield, MI 48076-4251

and I further hereby certify that I have mailed by United States Postal Service, postage prepaid, copies to the following non-ECF participants:

Nationstar Mortgage, LLC
c/o Nationstar Mortgage, LLC
Attn: Bankruptcy Department
PO Box 630267
Irving, TX 75063

Dated: November 19, 2013

/s/Martin P. Krall Jr.
MARTIN P. KRALL JR. P29803
Attorney for Debtor
702 Notre Dame, Suite 103
Grosse Pointe, MI 48230
Phone: 586-779-8900; Fax: 586-779-8912
mpkrall@kralllaw.com